

EXHIBIT 8

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 23 2006

CATHY A. CATTENSON, CLERK
U.S. COURT OF APPEALS

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA; et al.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 01-71051, 01-71321
01-71544, 02-70254
02-70266, 02-70275
02-70282, 02-70285
02-70301, 02-72113
03-73887, 03-74252
03-74527, 03-74531
03-74594, 04-73501

BONNEVILLE POWER
ADMINISTRATION; et al.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 02-70262, 02-70270
02-70274, 02-70294
03-70185

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. BILL LOCKYER,
ATTORNEY GENERAL,

Petitioner,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

No. 02-73093

ORDER

Before: THOMAS, McKEOWN, and CLIFTON, Circuit Judges

On August 2, 2006, the court *sua sponte* extended by 45 days, or until October 31, 2006, the time for filing petitions for panel rehearing and/or rehearing *en banc* to allow the parties time to assess settlement prospects in *Bonneville Power Administration, et al. v. FERC*, 422 F.3d 908 (9th Cir. 2005) ("*Bonneville*") and *Public Utilities Commission of California, et al. v. FERC*, 456 F.3d 1025 (9th Cir. 2006) ("*CPUC*"). On August 7, 2006, the court granted the motion of the State of California to stay, until November 2, 2006, the mandate in *The People of the State of California ex rel. Lockyer v. FERC*, 383 F.3d 1006 (2004) ("*Lockyer*").

On October 10, 2006, the California Parties moved to extend by 120 days the settlement time-out period in *Bonneville* and *CPUC* and to delay by 120 days the issuance of the mandate in *Lockyer*. Certain parties opposed portions of the motion. Having reviewed all of the pleadings submitted on the issue, the court rules that the California Parties' motion is denied, in part, and granted, in part.

With respect to the *Bonneville* decision, the court twice has extended the time for parties to file motions for rehearing. In light of the extensions previously provided, the California Parties' motion is denied. The court *sua sponte* extends the time by 13 days, or until November 13, 2006, for parties to file petitions for panel rehearing and/or rehearing *en banc* in *Bonneville*.

As to the decision in *CPUC*, the court, to date, has provided only one

relatively short extension of time for filing petitions for rehearing to encourage settlement discussions. The court is aware that the parties are engaged in good faith settlement discussions and that those settlement efforts are continuing. The court grants the California Parties' motion and extends by 120 days, or until February 28, 2007, the time for filing petitions for panel rehearing and/or rehearing *en banc* in CPUC.

Similarly, to encourage further settlement efforts, the court extends by 120 days, or until March 2, 2007, the deadline for the issuance of the mandate in *Lockyer*.

We direct Senior Circuit Judge Edward Leavy to continue overseeing and exploring with the parties possible resolution through mediation in all of these cases.